

*Response
S. Immerlich*
Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3727

Examiner: Niki M. Eloshway

P.D. File No.: 30-3744CPA

In re Application of: IGOR PALLEY ET AL.

Serial No.: 08/533,589

Filed: September 25, 1995

For: BLAST RESISTANT AND BLAST DIRECTING
CONTAINERS AND METHODS OF MAKING

Colonial Heights, VA 23834
March 12, 2003

Assistant Commissioner for Patents
Washington, DC 20231

AMENDMENT

Sir:

Responsive to the Office Action mailed September 12, 2002, please
enter the following remarks:

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REMARKS

Applicants note with appreciation the allowance of claims 1-6 and 8-36.

Claims 7, 39-41, 58-73 and 77-117 have been withdrawn from consideration.

Claims 37, 38, 42-57 and 74-76 stand rejected under 35USC§103(a) as being unpatentable over Sacks (USP 5,249,534) in view of Lewis (USP 674,009). Applicants respectfully traverse this rejection and request its withdrawal, for the reasons that follow.

Lewis cannot and does not address blast resistance. With reference to the drawing figures of Lewis, especially Figures 1 and 2, it will be seen that the Lewis container/box edge at "a" is created by a hinging strip or tape that joins the abutting panels of the "A" casing. This taped edge fatally flaws the design insofar as blast resistance is concerned and thus, teaches away from Applicants' invention.

With respect to Applicants' claim 37 and all claims dependent directly or indirectly therefrom (claims 38, 42-57), neither Sacks' third panel, nor the casing "A" of Lewis, teaches or suggests a "band" of material which encircles a blast resistant container to at least partially cover an access opening to the container. The third panel of Sacks simply constricts/holds down the other two panels, while casing "A" of Lewis fails to encircle the container.

With respect to Applicants' claim 38, Sacks fails to teach or suggest that a panel/"band" slide on the container for any purpose. Sacks, in fact, teaches against slide capability by specifying that its third panel be wound around the first two panels, preferably in multiple turns (a "band"), "to hold the other two panels more firmly in place." See Sacks, column 4, lines 29-32. See Applicants' specification, sentence bridging pages 10-11, regarding sliding bands.

With respect to Applicants' claim 46, neither Sacks nor Lewis teaches or suggests that at least about 75 weight percent of the fibers should be substantially continuous lengths of fiber that encircle anything, much less an enclosed volume. See Applicants' Example 6.

With respect to Applicants' claims 74 through 76, neither Sacks nor Lewis teaches or suggests that the strip should comprise a tape of

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unidirectional high strength fibers or oriented film encircling the container in the hoop direction at least once.

Applicants again respectfully submit that there is absolutely no motivation to one of ordinary skill in the art to which the subject matter pertains, i.e., blast resistance, to combine the Sacks and Lewis references. See *In re Sang-Su Lee*, 277 F.3d 1338 (CAFC 2002). Lewis is a turn-of-the-twentieth-century patent that teaches a knockdown paper box. One of ordinary skill in the art would neither consult nor consider the Lewis reference, which teaches a collapsible paper box and its assembly, but has absolutely nothing to do with blast resistance.

As the final paragraph of numbered paragraph 4 is believed to have been included by error (it contains argument directed to an allowed claim), it is not addressed in this response.

Applicants respectfully submit that the foregoing remarks place the claims in condition for allowance and request that this case be passed to issue. If there are any unresolved issues, the Examiner is invited to telephone Applicants' attorney.

Respectfully submitted,

IGOR PALLEY ET AL.

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I hereby certify that this correspondence is being sent via facsimile 703-305-3579 to Examiner Niki Eloschway, on March 12, 2003.

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